



April 20, 2020

The Honorable Mike Pompeo
U.S. Department of State
Office of the Secretary
2201 C Street NW
Washington, D.C. 20520

The Honorable Chad Wolf
U.S. Department of Homeland Security
Office of the Secretary
Washington, D.C. 20528

Dear Secretary Pompeo and Acting Secretary Wolf:

I write on behalf of the Association of American Universities (AAU), representing America's leading research universities, regarding needed guidance on visa and immigration issues in response to the COVID-19 pandemic. Research universities are at the forefront of the fight against COVID-19 and at the same time are grappling with major disruptions to their operations and finances which threatens both the education they provide and the research they conduct. The deleterious consequences for education and research are compounded by pandemic-related travel restrictions which are impeding the flow of international scientists, scholars, and students to American universities.

As U.S. universities quickly adapted to virtual instruction for the current term, we appreciated the Department of State and Department of Homeland Security (DHS) guidance to date regarding visa policy and processes for our international students and scholars, specifically stakeholder guidance provided by the Student and Exchange Visitor Program (SEVP) and the J-1 exchange visitor program. Unfortunately, it has become increasingly clear that universities will likely have to sustain alternate approaches to in-person instruction for some time. Consequently, additional guidance is now needed from State and DHS to address longer term visa status flexibilities, particularly the need to extend flexibilities to include new international students who enroll for the fall term.

We urge State and DHS to coordinate the release of additional guidance and where there are overlapping functions in the visa and immigration process, we ask that it be made very clear where State and DHS authorities will honor the other agency's issued guidance. For example, SEVP guidance allows for electronically-signed and issued I-20s but it is not clear if State or Customs & Border Patrol will honor I-20s with electronic signatures as part of their temporary policies.

Outlined below are several recommendations we ask State and DHS to consider when issuing additional guidance to provide relief for international students and scholars. We also agree with and support the requests outlined in the March 16 [community letter](#) to DHS and State and the April 8 [community letter](#) to State.

Student Visas

Grant consulates and embassies permission to waive in-person visa interviews for F-1 and M-1 applicants. The State Department recently allowed consular officers to waive the requirement for in-person interviews for categories of H-2 visa applicants. We believe State has the authority under 8 USC §

1202 (h)(1)(C) to waive the personal interview requirement “if the Secretary determines that such waiver is (i) in the national interest of the United States; or (ii) necessary as a result of unusual or emergent circumstances.” We believe a waiver for F-1 and M-1 applicants, with no apparent or potential ineligibility, is in the national interest and necessary due to COVID-19 and would ensure smooth enrollment for our international students in fall 2020.

Extend remote learning flexibility until at least the end of the calendar year to permit continuing and new international students to enroll for the fall term. As institutions assess the need for extending remote instruction into the fall term and adapt to possible extension of international travel restrictions, DHS should extend current measures to allow international students visa status flexibility in order to enroll and participate remotely in their fall classes. Current guidance is only applicable to international students enrolled in spring classes and will also need to be expanded to include new international students who plan to enroll for the fall.

Extend graduating international students’ status to allow them to make safe travel decisions after graduation and expedite OPT approval and work authorization for those responding to the COVID-19 crisis, including recent medical school graduates. Many institutions have allowed medical school students to graduate early to assist with the COVID response. Additionally, flexibility is needed in adjusting start dates for those graduates so they can join the health care response as soon as possible.

Prioritize issuance of guidance on optional practical training (OPT) and curricular practical training (CPT). [SEVP Stakeholder Guidance](#) has outlined several OPT and CPT questions that have been raised regarding temporary student status flexibilities. The current FAQ says, “DHS is evaluating these issues and may issue additional guidance.” We strongly urge the U.S. Citizenship and Immigration Services (USCIS) to answer the questions outlined in the FAQ and engage with SEVP, universities, the higher education associations, and industry partners to evaluate the need for additional clarification and/or flexibilities. In particular, clarification is needed about whether OPT applications can be submitted while a student is abroad because of COVID-19 and how unemployment days will be counted for those who have been outside the country due to unforeseen travel restrictions.

High-Skilled Visas

Prioritize consular visa processing for J-1 and H-1B medical professionals and issue extension of stays for those already in country. Most incoming medical residents and fellows are scheduled to begin their programs July 1. Prioritization across all agencies involved in visa processing is needed for these and other medical professionals (who hold either H-1B or J-1 status) to ensure there are not gaps in medical training, research, and frontline care. If premium processing remains unavailable, USCIS should prioritize expedited processing of I-129 petitions for H-1B medical professionals. The State Department recently issued automatic two-month extensions to those in the country with program end dates between April 1 and May 31, 2020. Extensions are likely to be needed beyond May 31 until the State Department resumes regular operations and international travel restrictions are lifted. Additionally, it would be helpful for USCIS to temporarily suspend the 240 day rule (8 CFR 274a.12(b)(20)) and allow for continued employment as long as necessary while an application for extension of stay is being processed.

Reinstate H-1B premium processing. This would allow universities, their affiliated research facilities, and medical centers to ensure timely hiring of the world’s most talented faculty, postdoctoral associates, and research scientists, many of whom are performing essential functions during the COVID-

19 crisis. Without the option for premium processing, many universities who are currently making fall hiring decisions, will not be able to have their international employees in place before the start of the fall term. As a result, students may be unable to take vital classes, which could result in degree completion delays because many courses are taught in annual or semester sequences.

We appreciate the opportunity to continue to engage with State and DHS officials and hope we can continue to be a resource during this uncertain time. Should you have any questions or wish to follow-up on these matters, please contact [Meredith Asbury](#) of the AAU staff.

Sincerely,

A handwritten signature in black ink that reads "Mary Sue Coleman". The signature is written in a cursive, flowing style.

Mary Sue Coleman
President